



**PBS GUIDELINES FOR ON-AIR ANNOUNCEMENTS
PROMOTING PROGRAM-RELATED GOODS AND SERVICES**

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On-air announcements promoting the sale or availability of program-related goods and services (generally referred to herein as "offers") must conform with the following rules. Programs accepted by PBS for national distribution with announcements that do not conform with these rules will be returned to the producer for editing if time permits or will be edited by PBS at the producer's expense.

RULE 1: PBS Review

Prior PBS clearance is required for all offers on PBS programs. Producers desiring to include an offer on a PBS program must consult with PBS a minimum of ten weeks in advance of the program air date for a determination as to its permissibility. In the absence of sufficient notice and if a timely resolution is not mutually agreed upon, PBS reserves the right to delete announcements at the producer's expense.

[The On-Air Offer Clearance Form may be found in the *Red Book Guidelines* (Forms & Instructions Section) and submitted to Program Underwriting Policy (PUP). For questions regarding this section contact PBS Program Underwriting Policy at (703) 739-5291 or programunderwritingpolicy@pbs.org.

RULE 2: Advance Information

PBS will provide advance information to all stations regarding such offers. In addition to obtaining advance PBS clearance, producers must supply PBS with the text and description of all announcements, a sample of the product or other materials to be offered (where it is not yet available, a detailed description should be provided) and other relevant materials or information which PBS may request at the time the offer is submitted for clearance. Offerors must agree to make samples of products and other materials available to stations upon request at no charge.

RULE 3: Type of Materials

The goods and services must be directly or specifically related to the program or series of programs, i.e., they must be extensions of the program or series content and enhance viewer participation in and the effectiveness or educational value of the program or program series rather than merely bear some general relationship to the subject matter of the program.

Examples of acceptable materials include printed transcripts; audio and video cassette transcriptions; music soundtracks or theme songs; formal and informal viewer guides; specific learning tools for use in connection with the program; textbooks/tradebooks for use with the program; computer software for use with the program; and books by program personalities/performers specifically related to or specially developed for the program or series (but not including books or other materials promoted on a program by guests or performers).

Examples of unacceptable materials include books generally related to the program or series subject matter (e.g., a book on history of movies offered in connection with a movie review program); books on the lives of program personalities or performers not specifically related to program subject matter (e.g., a book by or about Baryshnikov offered in connection with a performance of Swan Lake in which Baryshnikov performs); posters, calendars, trips and other items; t-shirts, dolls, or other toys featuring program characters or the program logo or title; availability of program personalities, performers, or producers for publicity, speaking engagements, etc.

PBS recognizes that it will not always be easy to determine which types of materials fall on which side of the line. PBS will use its best judgment to determine whether materials to be offered would enhance viewer participation in and the effectiveness or educational value of a particular program.

Comment: These limitations are intended to preserve the noncommercial character of public television and assure that programming decisions are motivated by the public interest rather than considerations of private gain. They are also intended to limit clutter.

RULE 4: Programming Considerations

a) **Children's Programming.** Offers may be made in limited situations in connection with children's programming. Where educational enrichment and support materials are available, this information may be conveyed to parents and educators in the manner set forth below. All determinations as to what constitutes children's programming will be made by PBS, taking into account, among other things, intended audience, actual audience (if known), program content and time of broadcast.

- Any offers approved for children's programs will be clearly intended for and directed to parents or other adults, never children. The style and tone of the announcement must be generic and value-neutral

in character, with voice-over delivery, if any, provided by an adult. No characters from the program may be used.

- Only one announcement, maximum 15 seconds, will be permitted per program. The availability of multiple items may be referenced in this announcement, as set forth below.
- The voice-over announcement should state, "For information about companion educational material(s) for this program, please call 1-800-000-0000."
- The video treatment for the offer should be limited to text on screen and the telephone number/address over a neutral background.
- Any offers approved for inclusion in children's programs will be placed after the PBS logo to enable stations to delete such items in their sole discretion.
- Offers in connection with preschool programs will be stringently evaluated based on educational value, urgency, and other such factors that may militate in favor of inclusion. In general, video offers will not be approved for preschool programs.
- "Mentions" that allude to a purchase but do not directly or indirectly offer to sell such materials (e.g., "*Ghostwriter* companion books are available in libraries and bookstores nationwide") are considered "offers" for these purposes. In place of the "for information, call" announcement, we will consider allowing a mention consistent with the *Ghostwriter* example given above. The voiceover may specify no more than two types of educational materials (such as books and software).
- The materials so offered or mentioned must meet all other requirements of these Guidelines.
- A purely library or pro-literacy message (e.g., "*Arthur* books, and lots of other books, are available in your local library") connected with a children's program, including preschool programs, will not necessarily be subject to these limitations, although it still must be approved in advance.

Comment: This policy is designed to assist parents and educators while avoiding any inference that children are being exploited.

b) Programming Involving Issues of Public Importance. Only "transcript-like" materials (e.g., printed transcripts and audio and video cassette transcriptions) may be offered in connection with programs involving controversial issues of current public importance. PBS recognizes, however, that there may be circumstances where it would be appropriate to permit the offering of other than transcript-like materials and will use its best judgment to determine whether certain materials would enhance viewer participation in and the effectiveness or educational value of such programs without undermining their journalistic integrity. All determinations as to what are programs involving issues of public importance will be made by PBS.

Comment: Every effort should be made to maintain the journalistic integrity of programs involving issues of public importance. This rule is intended to avoid the perception which certain program-related materials might convey that such materials have been offered to promote particular points of view.

c) Underwriter's Interest. Principles articulated in the PBS underwriting guidelines apply to an underwriter's participation in the offering of program-related goods and services. Hence, underwriters may participate in the distribution of revenue from the sale of program-related materials, but they may not exercise or have the right to exercise control over and may not hold rights in program-related offers. Additionally, offers of program-related materials which are blatantly commercial or self-congratulatory, such that a reasonable public could conclude that the offer is made or the program was funded to promote those interests, may be unacceptable. The PBS underwriting guidelines should be consulted for further guidance.

Comment: Since program-related materials must be direct extensions of a program or series' content, they are subject to the same principles as the programs themselves. Therefore, the principles contained in the PBS underwriting guidelines addressing editorial integrity and preserving the noncommercial character of public television will apply to an underwriter's participation in the offering of program-related goods and services.

RULE 5: Content

All offers on PBS programs must be specifically authorized by the program producer, and the producer should be satisfied that the announcement is consistent in tone and substance with the objective of enhancing the effectiveness and educational

value of the program. Announcements must not contain any deceptive, fraudulent, or false information, must not violate any laws or regulations, and must be consistent with the noncommercial character of public television. Any product claims must be substantiated by evidence in the possession of the offeror.

Comment: This rule is designed to maximize the producer's discretion while protecting the consumer, minimizing legal risks to PBS and stations, and preserving the noncommercial character of public television.

Content Guidelines

In order to ensure that offers are perceived by viewers to be in keeping with the noncommercial character of public television,

- 1) **Overall Tone and Appearance.** The overall tone and appearance of the announcement must be informational rather than promotional. Both voice-over delivery and video treatment should be developed with the objective of providing a viewer service, not a commercial sales opportunity.
- 2) **Audio Treatment.** The announcer's delivery should be low-key and consistent with the tone of the program, not fast-paced, shrill, or breathless. Music will be acceptable and should generally be the music from the program or, in the case of soundtrack offers, excerpted from the record or CD offered.
- 3) **Video Treatment.** Visual excerpts from an offer book or video are allowed, provided that they are used for informational purposes. (However, see Point #7 regarding "Host Selling.") The overall presentation and pacing of the offer should be low-key and informative, not promotional. Video unrelated to the offer and its availability is not permitted. The identity of the offeror must be provided in the lower third of the offer message video (e.g., Offer Made by WETA.).
- 4) **Voice-Over Copy.** Repetitious or excessive use of descriptives, superlatives, or other inducements to buy is not allowed. Words or phrases such as "only \$19.95," "superbly illustrated," and "exciting collection," and "you won't want to be without" are unacceptable. Factual information may be used to further identify the product (e.g., name of publisher, number of pages, number of color illustrations, etc.). Calls to action, such as "Pick up the phone" and "Call now" are not acceptable. Examples of acceptable language for ordering information in an offer announcement: "To order (name of item), call (phone #), or "You may order (name of item) by calling (phone #)."
- 5) **Telephone Numbers and Addresses.** Whenever a telephone number or an address is included, the number or address should be spoken no more than once and should appear no more than twice in video. The words "toll free" to describe an 800 number are acceptable, but in PBS's view they are unnecessary and may tend to increase the promotional appearance of the offer. Web addresses may not be used, with the exception of shopPBS.org.
- 6) **Credit Cards.** References to credit cards must be generic; no specific audio mention or visual display may be made of proprietary names such as "Visa" or "Mastercard." The statement "Credit cards are accepted" is preferred as an alternative to "Have your credit card ready," which may tend to increase the promotional appearance of the offer.
- 7) **Host Selling.** The host or talent of a program may not be used to offer the item. Incidental appearances by the host or talent on the cover of a book or in video excerpts from a cassette offer are permitted.

PBS Review and Approval

Producers must provide PBS with information on the audio and video content of all offer announcements at least ten weeks in advance of the offer airdate. However, earlier notification is strongly encouraged for the convenience of producers and PBS. (See Rules 1 and 2.) PBS will review all materials promptly and will notify offerors of acceptability of offer content. In cases where the content of an offer announcement does not conform to these guidelines, PBS will require changes as appropriate to bring the announcement into compliance.

RULE 6: Length of Announcements

When an offer appears before the PBS logo, it may be no longer than 15 seconds. An offer approved to appear after the PBS logo may be no longer than 30 seconds. See Rule 9(b) for placement guidelines.

Comment: Offerors are encouraged to make announcements no longer than necessary to convey the relevant information. For example, informational announcements and most announcements offering transcript-like materials should be shorter than 15 seconds.

RULE 7: Number of Items

Multiple educational items should be offered in the same offer announcement if they are provided through the same fulfillment entity. No item may be offered both before and after the logo.

Comment: The limitations imposed by this rule are designed to avoid commercial patterns and clutter.

RULE 8: Financial Considerations

a) **Price.** The price of items that may be offered should be determined by the offeror, taking into account the relevant marketplace; however, PBS retains the discretion to investigate the basis on which items are priced and conclude that certain items are priced too high.

Comment: Offerors are encouraged to establish prices which are consistent with the objective of enhancing the effectiveness and educational value of programs.

b) **Revenue Share.** On all items offered for sale on PBS programs (i.e., with an address, phone number, or other direct response ordering information) the offeror must share 20% of net revenues generated by the offer. "Net revenues" are defined as gross revenues, less the offeror's cost of the item and the direct costs of fulfillment. Program production expenses are not allowable as an expense against gross revenues; however, on rare occasions, exceptions to the revenue sharing requirement may be appropriate where a program's production financing depends significantly on anticipated offer revenue and where other factors suggest that an exception is warranted.

Offers of items priced at \$5 or less are exempt from revenue-sharing if the offer generates less than \$5,000 in net revenue annually. (For purposes of this exemption, the offer of transcripts of a series would be considered as a single offer; for example, a transcript offer for episodes of a 13-part series would be considered as one offer, not thirteen offers.) Announcements providing information on products or services where no direct offer is made (e.g., book mentions) are exempt from revenue sharing.

Comment: Revenue sharing recognizes both the unique opportunity afforded offerors to market program-related materials on PBS programs and the importance of the contribution made by local public television stations in airing announcements and generating responses.

c) **Distribution of Revenue.** Offerors must distribute revenue at least twice a year. In distributing the 20% of net revenue to stations (or PBS), offerors may choose from among four methods: (1) Twenty percent of net revenue may be sent to PBS; (2) CSG share basis only to stations which broadcast the offer; (3) Sourced Orders -- Net revenue distributed directly to the stations whose viewers ordered the item offered; or (4) Designated Market Area population or Average Quarter-Hour audience share basis only to stations which broadcast the offer. (If option #2, 3 or 4 is selected, offeror must contact PBS for CSG data or other information.)

If an offeror chooses to distribute net revenue under options #2, 3 or 4 above, the offeror is responsible for taking affirmative steps to ascertain carriage information in order to assure equitable distribution of the net revenue among all stations that broadcast the offer. Offerors with only small amounts of net revenue and/or without adequate administrative mechanisms for confirming carriage or distributing revenues directly to stations should use option #1.

d) **Reporting on Revenue Distributions.** All offerors must report to PBS all revenue distributions (showing gross revenues, expenses, and net amount). Offers that generate no net revenue must be reported to PBS at least annually (also showing gross revenues and expenses). Offers priced at \$5 or less which generate less than \$5,000 in net revenue annually must be reported to PBS at least annually, but offerors need not report gross revenues and expenses. However, offerors must provide documentation of gross revenues and expenses for such offers upon reasonable request by PBS.

e) **Identity of Offerors.** Offers of program-related material may be made only by non-profit (i.e., government chartered institutions or those included in the list of tax-exempt organizations maintained by the Internal Revenue Service) producers or distributors of public television programs, and such offerors must own the materials offered. No offer may be made without the program producer's authorization.

Comment: Offerors are limited to nonprofit producers or distributors of public television programs to help insure that revenues are used for public television purposes, to preserve the noncommercial character of public television, and to facilitate the revenue sharing required by Rule 8(b) above.

RULE 9: Operational Issues

a) **Editing.** Stations have the right to edit out offer announcements on PBS programs but may not insert any other announcements of program-related offers in their place or in any other part of a PBS program.

Comment: This rule establishes a limited exception to PBS's prohibition against stations editing PBS programs, in recognition that some stations may wish not to air certain announcements even though they are directly related to the program itself. The availability of a program may not be conditioned on a station's agreement to broadcast these announcements.

b) **Placement on Programs.** Offers of the following items are permitted to appear between the end of main program content and the closing PBS logo: (a) transcripts (printed, audio cassette, or videocassette), including videocassettes of other episodes of a series that are serially connected to the episode in which the offer appears (e.g., an offer of the entire "Jewel in the Crown" series on a "Jewel in the Crown" episode of MASTERPIECE THEATRE); (b) companion works (defined as an underlying work upon which the program or series is substantially based, or a derivative work that contains substantially the same material as appears in the program or series); (c) viewer guides (synopses, reading lists, etc.); (d) learning materials (textbooks, workbooks, etc.); (e) college credit or course information; or (f) mentions (not offers for sale) of the availability of any of the above items in book stores or elsewhere.

Unless they qualify for a combination offer as described in the final paragraph of this section, program-related items that do not fall within any of the foregoing categories must appear after the PBS logo, preferably as the first element following the logo. These include items such as: (a) videocassettes of episodes from a series that are not serially connected to the episode on which the offer appears (e.g., an offer of "Jewel in the Crown" on "The Bretts" episodes of MASTERPIECE THEATRE); (b) compilations of series and other material.

An offer announcement may also appear immediately after the PBS logo in intermissions permitted by PBS Program Management.

When the fulfillment entity is the same for all items being offered, whether the items qualify for pre-logo placement or post-logo placement, a combination offer is generally preferred. This means that post-logo items may be offered with pre-logo items in a pre-logo :15 offer; or vice versa, in a post-logo offer of up to :30.

The offer should not come between the production credits and the funding credits.

Comment: FCC rules provide only that announcements may not interrupt regular programming. Hence, we have limited the placement of announcements to those breaks in which PBS rules permit the placement of underwriting credits or optional fill material.

c) **Placement on Program Promos.** Offers may not appear in program promos except where it is determined that such materials would be valuable to viewers' understanding of program content in advance of broadcast to be used most effectively. This rule recognizes that advance receipt of program-related materials may encourage viewing and enhance viewer participation in certain programs. (These guidelines do not cover "stand-alone" offers. Such announcements are, in part, the subject of other policy considerations and may be distributed independently of a PBS program in any event.)

d) **Program Length.** PBS's standard program lengths are meant to be inclusive of all offers of program-related materials and fill material, whether placed before or after the PBS logo. Finished programs may not vary from these standard lengths.

e) **Subsequent Releases.** If the items offered are no longer available for subsequent releases of the program, it is the producer's responsibility, at its own expense, to remove the offer and substitute material which fills out the program to the standard length. (See Red Book.)

RULE 10: Fulfillment

To protect the consumer and minimize legal risks to PBS and its member stations, fulfillment of orders must satisfy the following requirements:

- a. The offeror's plans must provide for **individualized identification of the viewer's station** by station call letter or zip code on all orders. This is designed to facilitate the reconciliation of purchasers' names with their public television station.
- b. The offeror's plans must provide for all orders to be **fulfilled within 30 days** from receipt of payment.
- c. PBS shall have the **right to review** all related revenue/financial transactions and fulfillments, including the use of names.
- d. Offerors are responsible for the collection of all **sales or use taxes**.
- e. All offers must have a **full satisfaction, money-back guarantee**.
- f. Offerors are responsible for **making good** on any materials which are damaged or which fail to be delivered.

g. The offeror must **provide only the goods or services requested.**

h. Offerors are responsible for obtaining **all necessary licenses and for compliance with applicable laws and regulations**, including the Federal Trade Commission's rule governing mail order merchandise sales as well as the Magnuson-Moss Warranty Act and its implementing regulations; **indemnifying** and holding PBS and stations harmless against any claims arising out of the offer and sale of program-related materials or a breach of any obligations imposed by these guidelines; and **providing all warranties** required by PBS with respect to these obligations, the fulfillment of orders, and the satisfaction of all requirements imposed by the guidelines. PBS may require offerors to sign written agreements to this effect.

RULE 11: Names

All names derived as a result of any offer will be under the control of the viewer's station, and for purposes other than offer fulfillment may be used only with that station's permission.

Comment:

This guideline recognizes the relationship between a station and its viewers and a station's interest in determining and limiting the uses of viewers' names to prevent their misuse or overuse. In addition, there is concern that other solicitations may erode a station's source of support and may not be in keeping with the image a station wants to project to its audience.

An exception (subject to compliance with all the other rules) will be permitted for the names from free offers in connection with fully underwritten programs featuring nonprofit, American performing arts institutions to be used by those institutions only for their own fundraising solicitations, so long as (a) such offers of the type being made were made by those institutions before these guidelines were put into effect and (b) all names are shared with stations. In addition, PBS will explore opportunities for using names in cross-promoting other program-related products and may use names for audience and market research.

Under no circumstances may names be used by others in a manner that states or implies a fundraising relationship with PBS or public television, or a relationship between the product offer or solicitation and public television's financial condition or the continued distribution of the related program or other programs on public television.

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